ASKS FOR RELEASE

Mrs. Bonine's Application for Writ pared with the Eastman murder case in of Habeas Curpus.

HEARING BEFORE JUDGE BARNARD

Hour of 3 O'clock Today Set for the Argument.

DEFENDANT'S LIFE IN JAIL

Another move in the Kenmore Hotel tragedy was taken today at noon, when Mrs. Lola Ida Hemry Bonine, held for the killing of James Seymour Ayres, jr., filed a petition in the Supreme Court of the District of Cofumbia, asking that a writ of habeas corpus be granted, directing the warden of the District jail "to bring her before the honorable court to be bailed." The petition was presented to Justice Barnard, who directed that the writ issue, returnable before him at 3 o'clock this after-

Mrs. Bonine informs the court that she is a prisoner in the District jail, and in the custody of the warden; that she is in confinement and detained in the jail by virtue of an order of commitment of the coroner, wherein she is charged with the killing of James Seymour Ayres, jr., the 16th in-

Continuing, Mrs. Bonine states in her petition that she was committed to jail and charged with the killing of Ayres by rea-son of the testimony taken before a coroner's jury at an inquest held May 18, 20 and 21. She adds that she is able to give good and sufficient bail for her appearance before whatever court, if any, she may be arraigned and tried, in this jurisdiction, to answer the charge or any other charge that may be brought against her. She asks that she be bailed accordingly.

Accompanying the petition presented by Attorneys Douglass & Douglass and Leckie & Fulton is a copy of the verdict of the coroner's jury. Opposed by District Attorney.

It is the intention of United States Attorney Gould to strenuously oppose the application of Mrs. Bonine for release on bail pending further proceeedings in the case. At the hearing this afternoon Mr. Gould appeared in person.

The plan of the United States attorney's office is to begin the presentation of the case of Mrs. Bonine before the grand jury next Monday morning, and, if an indict-ment is reported, to set the cause for trial before the end of June. Mrs. Bonine reached the city hall at 2 o'clock this afterneon. She was at once

corted to the private office of the United States marshal, where she remained until the habeas corpus proceedings began. Every effort was made to keep quiet the fact that Mrs. Bonine was at the court e and that any action in the case had been taken. This was done in the hope of preventing the assembling of a large crowd.

First Sunday in Jail.

Mrs. Bonine's first Sunday in jail was a quiet one. The usual religious services were held, but she did not attend them. Her husband and their two boys called at the prison during the day and the sons saw their mother for the first time since she was committed by the coroner's jury. They remained with her quite a long time and later in the day her physicians called. Early this morning Mr. Bonine was again at the prison, accompanied by one of the at the prison, accompanied by one of the attorneys in the case. They called for the purpose of having the prisoner sign a pa-per, presumably the application for the writ mentioned, and their visit lasted only about ten minutes. nine thoroughly enloyed the visit

ng one of the boys was seen hanging about the outside of the building, apparently unable to leave the vicinity of the place his mother was held in custody confers with District Attorney Gould fre ently about the case, and the latter is preparing the papers in order that the grand jury may consider the testimony at an early date. The detectives are endeavoring to obtain additional evidence in the and with this end in view all rumors nd alleged clues are being given attention. ective Horne is kept busy on the case, and today he said there were no new devel-Since the arrest and statement f Mrs. Bonine the police have been in ommunication with the authorities of places where she has lived, endeavoring to have also made some inquiries concerning the life of James S. Ayres, who was killed, as matters concerning the lives of both

A number of wild rumors concerning the crime and the parties involved are constantly reaching the ears of the police, but very little information of value has

thus far been obtained from them.

The detectives are anxious to get something more definite about the ownership of and "092,501." At the time the records Harrington & Richardson 32-caliber revolver, No. "501," had been sold in Febof last year by D. N. Walford, When a few minutes. Mr. Walford was consulted he found by his books that a mistake had been made in the report and that the weapon sold was a Hopkins & Allen revolver and not one of the Harrington & Richardson make. vestigation disposed of what promised to e an interesting piece of testimony. The etectives are still satisfied that the revolver used in the case was owned by the victim of the tragedy.

Capt. Boardman has requested Building Inspector Brady to have a drawing made f the room in the Kenmore Hotel where Ayres was killed for use before the grand

Question Raised.

Late this afternoon Capt. Boardman received information from a clerk in Walford's store which causes the belief that the bloodstained weapon did not belong to

Mr. W. P. Bowie, the clerk referred to, says that unless there is a duplication of the number on the revolver in question, he sold it to a man who gave his name as 1. G. Sweebill, whose address was given as 533 H street northwest.

There is no such number on the imentioned and no such name as Sw n the directory. Ayres was not in this

city the day the weapon was sold.

From Hamilton, Mo., comes information concerning the killing of Capt. Isaac Hem-

ry, father of Mrs. Bonine. He was shot in July, 1885, and the affair still remains a mystery. Capt. Hemry was well known in Ohio, where he was born, and also in Missouri, where he afterwards lived. During the civil war he organized Company F. Infantry, Missouri Volunteers. In the spring of 1885 he received \$2,500 back pension money, and about this time he moved to what was known as the Pat S. Kenne farm, about one mile west of Kidder, Mo. One Sunday morning the veteran went to a field fully three-quarters of a mile from the house to sait the cattle, and while there he was shot and almost instantly killed. Grant Hemry, a son of the dead man, who was then but seventeen years old, was arrested on suspicion, but was soon released, as there was no evidence to used considerable excitement, as the victim was well known and had a great many Mrs. Bonine was married two years before her father's assassination, nd residents of Hamilton remember when she appeared as "Queen of May" at the spring festivities. There are residents of Hamilton who yet hope the assassin of Capt. Hemry will be brought to justice. It is pointed out that there is a discrepancy shown between the information ob-tained from Hamilton and the statement of Mrs. Bonine concerning the killing of her father. In her statement it was said her father was a deputy United States marshal, and that he was killed while he

was defending property. There is nothing

in the information received from Hamilton to indicate that such was the case.

Alleged Parallel Case. In a dispatch printed in the Boston Journal yesterday, Mrs. Bonine's case is com-Massachusetts, which recently ended in the acquittal of the defendant. The dispatch

referred to is in part as follows: 'The murder of James Seymour Ayres by Mrs. Lola I. H. Bonine at the Hotel Kenmore in Washington possesses an addi-tional feature of interest to Massachusetts people in the fact that it has several conditions and situations making it comparable with the Eastman-Grogan tragedy, the history of which has just been completed in the Massachusetts courts. Mr. Lastman was a self-confessed slayer of Grogan. Mrs. Bonine has told in detail the events which led up to the death of young Ayres. In the case of each, death was the result of an accidentally discharged revolver. In the case of each, the slayer and the slain were on the most intimate terms, and their relations had never been marred by other than

friendly quarrels. Each of those who caused the death of a fellow-being went to the scene of the tragedy, if each may be believed, with only the innocent intentions. "Each has testified that more by expres-

sion than by word was the intimation given that life was in danger and that self-preservation at any cost must be obtained. 'Eastman, after the most thorough crossexamination, so impressed the jury before which he was tried that he was adjulged not guilty, and is now a free man. Will the courts of Washington do as much for Mrs. Boning?

"If Mrs. Benine sticks to the story which has told, if the police can adduce no testimony or evidence beyond which they have thus far brought forward, the Filling of the young student clerk will probably ver be avenged.

"Her confession has cleared up the n vstery. There is no longer any doubt as to who killed the lad, but the theorists have not desisted, and Washington, usually slow to show interest in criminal news, continues to discuss only the fate of young Ayres and the possible future of his frail slayer. Mrs. Bonine's story has been told. There is no proof to the contrary of the statements which she has made. Her own confession is the only direct testimony against her, and this testimony eliminated little, if anything, remains upon which to hang a conviction.

ALLEGED THEFT OF BONDS. Trial of George A. Bradley Under In-

dictment. George A. Bradley, a well-known local bank clerk, was placed on trial today before Justice Barnard and a jury in Criminal Court No. 1 under an indictment alleging the larceny of certain government bonds, the property of Mrs. Henrietta Stuart, widow of Andrew Stuart. It is stated that the bonds, three in number, each of the denomination of \$1,000, were deposited by Mrs. Stuart in a strong box in a local bank. In some manner they disap-peared and were not heard from for sev-

ral years. Finally one turned up in New York, and by its number was traced to this city, and, it is alleged, to George A. Bradley. The matter was then brought to the ention of the authorities, and the Bradeys were taken into custody.

Bradley declared that he had found the

bends among some debris in the cellar of the bank building, and had advertised for the owner, but received no response. These icts were presented to the grand jury, which returned an indictment of larceny against George A. Bradley and another indictment charging his brother, Louis J. Bradley, with receiving two of the bonds from his brother. When arraigned both i the defendants pleaded not guilty to the allegations.

Attorneys Joseph Shillington and W. McK. Clayton appear for the defendant, the government being represented by Assistant United States Attorney Taylor. The trial will be in progress tomorrow.

ELECTRIC CARS CRASH TOGETHER. Terrible Accident on Albany and Hudson Railroad Yesterday.

ALBANY, N. Y., May 27.-Further information from the vicinity of the collision on the Albany and Hudson railway near East Greenbush, shows that the number of injured is over fifty. There have been no other deaths, however, up to this hour.

A dispatch from Albany, N. Y., last night says: Electric cars racing for a switch while running in opposite directions at the this afternoon by a territic collision, in which over forty prominent people were injured, some fatally and others seriously. Killed: Frank 3mith, motorman; William Nichols, motorman; Maud Kellogg of Round Lake, Annie Rooney of Stuyvesant Falls, David Mahoney, mate on the Dean Richmond. Fatally injured: George C. Barry, Troy, hurt internally; Fred J. Smith,

Albany, injured internally. Seriously in-William F. Barry, Troy, cut on head: Marie Barry, Troy, leg broken; George P. Bittner, Moerville, cut and bruised, Isaac Blauvelt, Albany, leg broken; Dewitt C. Peltz, Albany, badly bruised; Charles Peltz, Albany, painfully bruised; Howard J. Rogers, Albany, bruised and cut; Mrs. H. J. Rogers, Albany, cut and bruised; — Rogers, Albany, leg broken; A. W. Crotsley, Albany,

hurt internally; George Lane, Albany, badly cut; Fred Herzog, Albany, shoulder disloabout two miles out of Greenbush, on the line of the Albany and Hudson railway. The point where the cars met on the single track was at a sharp curve, and so fast were both running and so sudden was the collision that the motormen never had time edge of a high bluff with its load of shricking, maimed humanity. One motorman was pinioned against the smashed front of the

ed a struggling, shricking pyramid, mixed bodies and the wreckage of the cars. Some tricated themselves and began to pull people out of the rear ends of the two and almost every one was taken out in this

south-bound car with both legs severed. He

The few women and children who had escaped injury and death were hysterical, dying and mutilated. Men with broken arms and bones, dislocated joints and bloody heads and faces tried to assist others who were more helpless. Help had been summoned from East Greenbush and vicinity, and in a little time the bruised mass of humanity, with the mutilated dead for a grewsome and silent company, were loaded in extra cars and taken to Albany There ambulances and physicians had been summoned and the post office turned into a morgue and hospital. As fast as the physicians could temporarily fix up the wounded they were taken to their homes or

With both motormen killed, it is hard to it is pretty well determined that it was caused by an attempt of the south bound car to reach a second switch, instead of waiting for the north bound car at the

BEATEN TO DEATH BY BURGLARS.

Ohio Farmer Near Navarre Victim of Two Masked Men.

NAVARRE, Ohio, May 27.-Christian Stahl, a farmer living near this place, was brutally murdered last night by two masked burglars, who broke into the house and demanded his money. Upon being refused, the burglars bound Stahl and the other members of the family with ropes. After beating Stahl until he was unconscious, the men left. Stahl's sister managed to free herself and gave the alarm. Stahl died soon after being freed from his bonds. There is no clew to the murderers.

Washington Boy's Narrow Escape. Special Dispatch to The Evening Star.

ALEXANDRIA, Va., May 27.-James M Franks, the fourteen-year-old son of Station Keeper Franks, living at No. 317 G street, Southeast Washington, while playing on the wharf at the foot of Princess street shortly after 2 o'clock this afternoon fell overboard. He was not rescued until after he had been under the water several minutes. A physician was summoned, and after treatment it was stated that there chances for his recovery,

The lad was visiting his grandmother, Mrs. Simpson, living on Henry street. He was rescued by James Purcell of No. 1312 11th street southeast, and John Nally, No. 1111 N street southeast, who were passing

MACHINISTS ASK FOR REDUCTION IN HOURS OF LABOR.

Conference Held Today With Vice President Gannon of the Southern System.

A conference was held today at the offices of the Southern railway in this city between Vice President Gannon of that road and ten representatives of the machinists' organizations of that system, over the question of a nine-hour day. The conference is a result of the general movement of the International Machinists' Association for a nine-hour day, the ten-hour day prevailing in the shops of the Southern system. The same pay is asked for the shorter day by the men, and they also demand a revision of the rules governing apprentices.

The men in conference with Mr. Gannon today are William Robinson of Atlanta, Ga.; B. F. Henry of Knoxville, Tenn.; S. C. Turner of Memphis, Tenn.; H. C. Slavan of Macon, Ga.; S. E. Tomlinson of Birmingham, Ala.; J. H. Moncerif of Selma, Ala.; H. H. Spedden of Salesburg, N. C.; J. J. Heems of Charleston, S. C.; W. H. Freeman of Manchester, Va., and G. E. Besson of Columbia, S. C.

Mr. Gannon's Statement.

When the conference was concluded, at 2:15 o'clock, Mr. Gannon made the following statement to a Star reporter:

"The men did not realize that they were asking for an increase of 17 per cent in their present pay by demanding a nine-hour day. They also have forgotten the agree ment of last year, when they went back to the wage scale of 1893. To give them what they ask for now, in addition to what was done last year, would amount to some-thing over 25 per cent increase, which is out of all reason. Also, if we raise the ma-chinists 25 per cent, all the other shop employes must also be raised 25 per cent, and that would mean a tax that is very

Mr. Gannon was asked if the men had presented an ultimatum on the subject. He said no; that the men represented them-selves simply as the agents of their organizations, with instructions to present demands and report back for such action as they might see fit to take.

"The situation is not serious." he con-tinued. "There may be a few hotheads here and there who will retire from our service. but I do not look for a general strike, because there is nothing to justify it. We have always found our men most reasonable and intelligent, although the members of the committee this morning did not realize what they were asking for. It would be impracticable to adopt a shorter work day. Our shops are laid out, built and equipped to do a certain amount of work in ten hours, and to undertake to do the work in nine hours means to add to our shops and equipment. The expenses under such an arrangement would be pro-

Mr. Gannon said that about 50 per cent of the machinists employed on the system belonged to the machinists' organization. Unsatisfactory to Men.

The machinists were seen at their hotel after the conference, and beyond the general statement that the conference was entirely unsatisfactory, would not discuss the situation. They said Mr. Gannon refused to consider any of the propositions they

Men's Demands Granted.

the machinists employed by the American were all at work today. The machinists had asked for a nine-hour working day without a reduction of pay.

The boilermakers employed by the Bab-

cock and Wilcox Company of Bayonne, N. J., numbering about 300, went on strike today for a nine-hour working day withddition to the boilermakers one hundred machinists and as many helpers, riveters and millwrights employed at the works are on strike, having gone out last week when the general strike of machinists was

begun.

DUNKIRK, N. Y., May 27.-Work was resumed at the Brooks locomotive works to-day, about two-thirds of the employes reporting for work. None of the striking machinists or allied metal workers returned to All departments of the works are

running, but with a reduced force.

The officers of the company have submitted terms of settlement have submitted terms of settlement to the strikers, which have been forwarded to President O'Connell at Toronto for his consideration.

LIEUT. GOV. ALLEN ARRESTED. Charged With Complicity in Wreck-

ing Vermont Bank. VERGENNES, Vt., May 27.-Lieutenant director of the Farmers' National Bank, which recently suspended here, and G. W. Ketchum, a representative to the legislature from this place, were arrested today by United States officers under indictments charging them with complicity with Cashier D. Q. Lewis in wrecking the bank

Date Set for Monroe Trial.

United States Attorney Gould today set the case of Lewis Francis Mortimer, otherto put on the brakes before south-bound car No. 22 had gone almost clean through wise called Monroe, indicted for the larceny of jewelry, valued at \$9,000, from Mrs. Olivia C. Starring, for trial Monday, the 10th of June. No action of a definite character was taken today in the direction of securing the release of the defendant on

Broom Corn Destroyed by Fire.

CHICAGO, May 27.-Broom corn valued at \$200,000 was burned last night by a fire that destroyed a warehouse at 81st and Wallace streets. The broom corn was owned by W. L. Rosenberg, a Chicago manufacturer. The building, which was valued at \$25,000, was owned by the Cortland the Cortland Wagon Company of Cortland, N. Y.

Gen. Bristow's Western Trip. Mr. Joseph L Bristow, fourth assistant. postmaster general, will leave Washington tomorrow for Baldwin, Kan., where he will deliver the principal address to the gradnates at the commencement exercises of the Baldwin University. That university

is Mr. Bristow's alma mater. Testimony Still Coming In. From the New York Commercial Advertiser,

To discredit thoroughly the abolition of e canteen it was necessary that the evidence should be both abundant and of a decisive character. Within a few weeks we have had evidence of its harmful rewidely distant parts of the country, and this morning there are similar re-ports published from two army reserva-tions in the vicinity of this city. If these reports are exaggerated it will be necessary for the friends of the anti-canteen law to prove their unreliability or submit that their case is entirely indefensible. It is beginning to be seen clearly now that army officers, as was emphatically declared in their testimony before the Senate committee, knew the character of the average soldier accurately enough to forecast the failure of the new law. Not one satisfactory proof of its beneficent effect has been published, and enough is known already to predict just such results as are reported this morning from Fort Schuyler and Fort Wadsworth, and which repeats the usual story of drunken soldiers and courts-martial because the social side of military life on the reservations has deteriorated through the abolition of the can-

Disappearing Links. From the Newark News

There died in Elizabeth on Tuesday the daughter of the captain of Robert Fulton's first steamboat, who commanded the Clare-Albany in 1807. It is doubtful if one of those now living remembers the name of this man, who took a pron part in an epoch-making event. The liv-ing links binding the present generation to the past are fast disappearing, and the les-sons of history and patriotism are more firmly impressed on the youthful mind by

Alfred Boulden today in the Police Court forfeited \$15 as a penalty on the charge of promoting gambling.

DEMANDS OF RAILWAY MEN THE INSULAR CASES

(Continued from First Page.)

ected upon imports to and from such country for the benefit of its government be sufficient? Apparently not. Will acts making appropriations for its postal service, for the establishment of light houses, for the maintenance of quarantine stations, for erecting public buildings, have that effect? Will an act establishing a complete local government, but with the reservation of a right to collect duties upon reservation of a right to collect duties upon commerce, be adequate for that purpose? None of these, nor all together, will be sufficient if the contention of the government be sound, since acts embracing all these provisions have been passed in connection with Porto Rico, and it is insisted that it is gill a foreign country sisted that it is still a foreign country within the meaning of the tariff laws. We are unable to acquiesce in this conten-tion that a territory may be at the same

time both foreign and domestic.
"A single further point remains to be considered: It is insisted that an act of Congress passed March 24, 1900, applying for the benefit of Porto Rico the amount of the customs revenue received on importation by the United States from Porto Rico since the evacuation of Porto Rico by the Span-ish forces October 18, 1898, to January 1, 1900, together with any further customs revenues collected on importations from Porto Rico to January 1, 1900, or that shall hereafter be collected under existing law, is a recognition by Congress of the right to collect such duties as upon importations from a foreign country, and a recognition of the fact that Porto Rico continued to be foreign country until Congress embraced within the customs union. It may be seriously questioned whether this is anything more than a recognition of the fact that there were moneys in the treasury not subect to existing appropriation laws.

"Perhaps we may go further and say that so far as these duties were paid voluntarily and without protest the legality of the payment was intended to be recognized; but it can clearly have no retroactive effect as to moneys heretofore paid under protest, for which an action to recover back has already been brought. As the action in this case was brought March 13, 1900, eleven days before the act was passed, the right to recover the money sued for could not be taken away by a subsequent act of Con-gress. Plaintiffs sue in assumpsit for money which the collector has in his hand justly and equitable belonging to them. To say that Congress could by a subsequent act deprive them of the right to prosecute this action would be beyond this power. In any event it should not be interpreted so as o make it retroactive

Duties Not Legal.

"We are therefore of opinion that at the time these duties were levied Porto Rico was not a foreign country within the meaning of the tariff laws, but a territory of the United States, that the duties were illegally exacted and that the plaintiffs were entitled to recover them back. "The judgment of the circuit court for the southern district of New York is there-

fore reversed and the case remanded to that court for further proceedings, in consonance with this opinion."

The above opinion was concurred in by all the justices of the court except Jus-

tices McKenna, Shiras and White. A dis senting opinion was delivered by Justic McKenna, this opinion being adhered to by himself and the two other dissenting jus-

The Other Cases. In the cases of Goetze agt, the United

States and Crossman agt. the United States, brought here from the circuit court for the southern district of New York to test in the Goetze case the validity of the levy of duty on an importation of tobacco NEW YORK, May 27.-The demands of from Porto Rico into the United States af-Engine Company and the Ideal Cash Reg- the passage of the Porto Rican act, and in ter the ratification of the treaty and before ister Company of Bound Brook, N. J., were the Crossman case duty on liquors import-granted by those concerns, and the men ed into Hawaii after annexation, but before the taking effect of the act providing a government for Hawaii, the court reversed the judgments below for the reasons cited in the DeLima case, holding the levy of duties was unconstitutional.

Justice Brown also announced the opinion of the court in the case of Dooley vs. duty levied on goods imported into Porto Rico from the United States between the date of military occupation and the taking effect of the Porto Rican tariff act. doubt of the validity of the duties levied by virtue of Gen. Miles' order prior to the ratification of the treaty of peace. It placed

With reference to duties levied after rat ification of the peace treaty, the court said a different rule applied, and it held these duties invalid. Justices Gray, Shiras, Mc-Kenna and White dissented, the latter de

livering the opinion. Dissenting Opinions.

Justice McKenna went into a detailed examination of the cases cited in the maority opinion. He maintained that they did not show a clear current of decision. but disclosed much divergence of view. He referred also to the fact that precedents Governor M. F. Allen, vice president and not in consonance with the majority view were now dismissed as dictum and not binding opinion.

He spoke of the dangers attending the dismissal of judicial opinion as "dictum," and of the greater danger when such a ourse may interfere, or had interfered certainty of judicial opinion were of the highest importance, the justice declared, and they should not be like the "exhalalons of a marsh, shining mistily." Justice McKenna's examination of the many precedents was exhaustive, and almost an hour was given to showing to what extent he circumstances of each case bore on the

present condition in Porto Rico. After examining cases cited by the jority opinion, Justice McKenna said that opinion proceeded on the theory that the ession of Porto Rico was absolute, whereas that depended upon the treaty itself. He referred to the effects wrought upon the country at large by decisions limiting the governmental authority in respect to cus-The industrial policy of the country might be destroyed, and those signing the dissenting opinion could not acquiesce in a view that might lead to such an end. In the opinion of those dissenting, Justice Mc Kenna said, the judgment of the circuit Justice Gray followed with the brief announcement of his dissent from the ma-jority opinion, stating that he regarded it "as irreconciliable with the opinion of the court in former cases, as upon importations from a foreign country, and the recognition of the facts that Porto Rico continued to be a foreign country until Congress embraced it within the customs union. It may be seriously questioned whether this is anything more than a recognition of the fact that there were moneys in the treasury not subject to existing appropriation laws. Perhaps we may go farther and say that, so far as these duties were paid voluntarily and without protest, the legality of the pay-ment was intended to be recognized; but it can clearly have no retroactive effect as to moneys theretofore paid under protest, for which an action to recover wack had already been brought."

Foraker Act Sustained.

Justice White in dissenting in the Dooley case made the announcement that in the Downes cases, which questions the validity of duties levied on oranges imported from Porto Rico after the Foraker act, the majority of the court would, as Mr. White stated it, reverse itself and hold the duty

Justice White said the court would later Justice White said the court would later in the Downes case hold that Congress had the power under the Porto Rican tariff act to impose a fariff duty on goods coming from Porto Rico. He expressed himself as unable to conceive on what theory they thus proceeded and expressed the opinion that it was due to confusion of thought in the De Lima case.
It is said the opinion in the Downes case,

which the court would announce later, would thus lead to the inconsistency of the court deciding that after the Foraker act Porto Rico ceased to be a part of the United States and before the Foraker act t was a part of the United States. GOVERNMENT SUSTAINED.

The Foraker Act is Declared Constitu-

After Justice White concluded his opinion Justice Brown announced the decision of the court in the case of Armstrong agt. the United States covering the shipment of goods to Porto Rico. This case, the court said, was similar to the Dooley case. While duties prior to the treaty were proper those subsequent to the treaty were proper those subsequent to the treaty were not. The judgment of the circuit court was reversed.

Justice White announced the dissent of told you so!"

Justices Gray, Shiras, McKenna and him-

Justice Brown next announced the opin ion in the case of Downes agt. Bidwell, re-lating to a shipment of oranges from Porto Rico to New York after the enactment of the Foraker act. The objections to the lower court's jurisdiction were overruled. Justice Brown then proceeded to show the difference of the question in this case from that involved in the first case decided, this difference being based on time and the course taken by the executive and legisla-tive branches of the government.

He said there was considerable diver-gence in the opinion of the court in the past and too much weight should not be given to particular phases of past decisions. such as that referring to the supreme au thority of Congress, as that might refer to the supreme authority of Congress der the Constitution. After analyzing the case of Loughborough against Blake the justice summed up the conditions under States on the transport Sheridan, as was which territories were not in the same position as states. at first supposed, but in some unexplained way was delayed in transmission in the

Justice Brown said the essential question was of a political character and must be dealt with by the political branch of the government. He referred to the grave results which might follow from any false step by the political branch at this time. In conclusion he announced that the judgment of the circuit court was affirmed, the effect being to affirm the constitutionality of the Foraker act and the right of Congress to deal with new territory. Justices White, Shiras and McKenna, through an opinion by Justice White, announced concurrence in the opinion of the court, but gave different reasons for their

Justice Gray also delivered an opinion of his own in this case, and the chief justice and Justices Harlan and Brewer united in a dissenting opinion.

Solicitor General's Statement. Solicitor General Richards made the following statement to a Star reporter of the effect of the decision.

"On all material points the government has won a victory. The court sustains the validity of the Porto Rican act and upholds the power of Congress to govern acquired territory according to its needs without being hampered by the revenue limitations of the Constitution, which were only intended to apply to the states."

The Supreme Court of the United States has decided (1) that Porto Rico has not been, since the treaty of Paris, a foreign country, but territory of the United States, and that consequently duties levied under the Dingley act applying specifically to the products of foreign countries were illegally collected upon importations from Porto Rico, and (2) that while Porto Rico is territory of the United States, it is not included within "the United States" as those words are used in the uniformity of duties clause of the Constitution, and that consequently the Foraker tariff act for Porto Rico is constitutional and the duties levied under it upon Porto Rican importations are legal.

The duties collected under the Dingley act are to be refunded; those collected under the Foraker act are held good.

The full power of Congress to legislate for the territories, unembarrassed by the constitutional limitation of uniformity of tariff duties which applies to the states, is ustained.

This constitutional provision does not follow the flag.

The net result of the decisions is a vic tory for the government's insular policy. and for the contention of broad powers of Congress in dealing with the territories.

CONTROL OF NORTHERN PACIFIC. Interest in the Matter Revived by

NEW YORK, May 27.-Interest in the question as to whether or not the control of the Northern Pacific railroad changed hands at the time of the recent corner in the stock was revived today by the circulation of a report that the Union Pacific syn-Adams. In addition, it ,was said that Mr. Adams, who is a member of the company's board of directors and executive committee, went short of the stock from 5,000 to to settle at a high price after the pushing through of the corner. Mr. Adams was regarded as the representative of the Deutsch Bank of Berlin in the Northern Pacific, but a recent dispatch from Berlin denied that the bank's holdings had been sold. Neither of the contestants in Northern Pacific has been willing to make any statement recently concerning the control of the property, and it is thought no official announcement will be made before the annual meeting in the fall for the election of di-

RIOT IN ASSYRIAN COLONY.

Chicago Police Called Out to Suppress the Disorder. CHICAGO, May 27.-Boys playing with punching bag started a riot in the Assyrian colony in Sherman street between Harrison and Polk last night. Clubs, knives and

razors were used and a number of persons were injured, three of them severely. A riot call was sent in and a wagon load of policemen dashed into the midst of the fighting and struggling crowd of 300 men

and women. With drawn clubs the police charged on the crowd and dispersed it. The settlement was in state of siege and for a time it was feared trouble would arise again. A squad of policemen was on guard in the district all night and would allow no one to leave the houses, as they

fear another outbreak. Miss Mishmy Medeff was cut about the head, Abram Fahill was severely cut about the head and body and George Nimer was cut about the head and body.

THE FATAL EMPTY PISTOL. Young Man Accidentally Kills Himself at Vineland, N. J.

aged nineteen years, accidentally killed himself while fooling with a revolver last night. While calling on a young lady a revolver fell out of Copp's pocket. To satisfy the girl that the weapon was not loaded he snapped the trigger three times and then laughingly placed it against his temple and again pulled the trigger. This time a bullet crashed through his brain, killing him instantly.

CONDITION OF GOV. NASH. Doctors Think He Burst a Blood Ves sel While in Denver.

Special Dispatch to The Evening Star. COLUMBUS, Ohio, May 27 .- A consultation of physicians in Gov. Nash's case has resulted in the conclusion that while in the high altitude of Denver a small blood vessel burst, either in the brain or spinal cord, they are not sure which. The doctors do not regard this as serious, if he will maintain absolute quiet until the blood is absorbed and the rupture healed, but otherwise they would not be responsible

As the governor remained on his feet two days after the bursting of the blood vessel, it is now realized that he was in great danger of aggravating the trouble, which might have resulted in death. Th governor is not allowed to rise from his

Washington Man Found Dead.

for the consequences.

BRIDGETON, N. J., May 27,-Edward Oswold, an oyster man, was found dead on the cabin floor of the schooner Tom Collins, at Port Norris, yosterday. He had a towel in his hand and must have dropped dead while washing himself. Oswold was from Washington, D. C.

From the Chicago Tribune.

"What good does it do old Pessim to be always predicting a business panic?"

CIVIL GOVERNMENT PROPOSED FOR THE PHILIPPINES.

Recommendations Will Not Be Made Public Until Promulgated by the President.

The draft of a form of civil government for the Philippines, prepared by the Taft Philippine commission, was received at the War Department this morning, thus clearing up the mystery as to its whereabouts. The report was brought to the United

with Secretary Root's instructions, the report was delivered to him in person immediately upon its receipt at the department. The form of government recommended by the commission can only be surmised from the general policies enunciated by Prestdent McKinley and Secretary Root and al-ready put into effect by the Taft commission in the organization of civil govern-ment in some of the provinces of the arch-

mails from San Francisco. In accordance

It is known generally, however, that the proposed government will be somewhat similar to the territorial form of government in the United States and that the supreme power will be vested in a governor appointed by the President. He will be assisted in the administration of affairs by a legislative assembly and other officials, some of whom will be elected by the people and others appointed by the governor. Secretary Root has stated that the character of the recommendations made by the commission will not be made public until the matter has been finally considered by President McKinley and promulgated in the form of an executive order. The subject will be presented to the President imme

It had been originally contemplated to inaugurate civil government in the Philip-pines on the 1st of July, but there are now surface indications to the effect that the change may have to be deferred until the 1st of August. Two important points known to be set-

diately upon his return to Washington, and

an effort made to act upon it as soon as

I wo important points known to be set-tled are that Judge Taft, president of the Philippine commission, will be the first civil governor of the Philippines and that Gen. Chaffee will succeed Gen. MacArthur in command of the military forces in the islands on or before the new order of things is established. Schedule of Salaries.

In the mail from Manila are copies of a law enacted by the Philippines commission,

fixing the schedule of salaries of officers and employes of the central government. These salaries reach a total of \$1,200,000 a year. The amount which will be disbursed annually to the different departments established is thus estimated: Philippines commission staff, \$112,620; military governor, \$55,000; collectors of customs at Manila, \$198,650; post office at Manila, \$67,770; collectors of customs outside of Manila, \$225,000;

municipal administration, \$243,396; auditor, \$52,480; police of Manila, \$33,760; post of-fices outside of Manila, \$30,800; internal fices outside of Manila, \$30,800; internal revenue collection, \$28,106; civil service revenue collection, \$28,106; civil service, \$21,050; department of posts, \$19,060; civil instruction, \$15,120; treasurer's department, \$12,170; captain of port of Manila, \$12,120; Manila prison, \$8,520; bureau of statistics, \$7,850; launch crews attached to office of captain of the port, \$6,000; total cost of central governmental administration, \$1,149,460. Provision is made in the appropriations

of the commission for native subordinates. SCHOOL DRILL POSTPONED.

Program Changed on Account of Inclement Weather. Owing to the inclement weather the annual company competitive drill of the dicate bought some time ago all of the High School Cadets, scheduled for this afternoon and tomorrow, has been post-

poned until tomorrow and Wednesday. Under the changed program the four companies of the 1st Battalion will face the judges tomorrow afternoon, beginning at 4 o'clock, while the four companies of day afternoon. The tickets issued for this afternoon and tomorrow will be good for

use tomorrow and Wednesday, respectively. Building Permits Issued.

Building permits were issued today as follows: James Jenkins, two two-story brick dwellings at 322 and 324 L street southeast; cost. \$2,300.

F. G. Purner, two-story frame house at 3317 Brightwood avenue. Cost. \$900. W. F. Nash, two-story brick storage house in alley rear of New York evenue between North Capitol and 1st street north-

west. Cost. \$500.

Naval Orders. Commissions as captains have been issued to G. A. Bicknell and W. H. Emory. Lieut. Commander W. S. Benson has been detached from duty in charge of the branch hydrographic office in New York and ordered to the academy. Lieut. Commander J. H. Sears is ordered to relieve Lieut.

Commander Benson at New York. Lieut. Commander A. P. Mertz, home to wait orders. Lieut. G. W. Brown, from the Indepen-

dence to the Alert. Lieut. J. P. McGuinness, from the Alert to the Iowa. Lieut. E. E. Hayden, from office of

val intelligence to Washington yard for

ordnance instruction.

Lieut. C. N. Offley, to the torpedo station, June 5, for course of instruction.

Assistant Surgeon J. H. Iden, appointed. Paymaster H. E. Biscoe, from the Franklin'to the Oregon. Naval Cadets Thomas R. Kurtz, B. A. W. Galbraith, J. B. Gay, J. L. Hileman, C. T. Hutchins, jr., T. A. Kittinger, F. R. McCrary and J. F. Green are detached from

the Naval Academy and placed on waiting

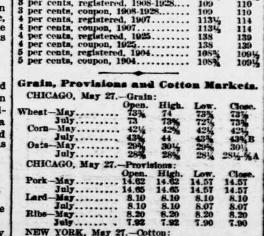
orders. Legacy Tax on Personal Property. The commissioner of internal revenue has held that a legacy tax must be paid upon personal property, including profits, interest, &c., earned and accrued since October, 1898. The case in point deals only with personal property.

Preferences in Bankruptey. The United States Supreme Court today decided the case of John T. Pini and others involving preferences in bankruptcy. The decision of the circuit court of appeals for the seventh circuit was affirmed

Arrest in Hislop Murder Case. SAN FRANCISCO, May 27. - Herman Luetgerth, a Norwegian butcher, has been arrested in connection with the murder of thirteen-year-old Robert Hislop, at his home Saturday night. Luetgerth formerly boarded at the Hislop house. Young Hislop was found dead yesterday, and it was sup-

posed he had been killed by burglars.

Government Ronda per cents, registered.....



TAFT COMMISSION REPORT FINANCE AND TRADE

Stocks Were Rather Dull on New York Board Today.

TOBACCO ISSUES THE EXCEPTION

Thesa Were Buoyant Again,

Though for Uuperceivable Cause.

GENERAL MARKET REPORTS

Special Dispatch to The Evening Star.

NEW YORK, May 27.-Tobacco stocks were the feature of the opening in the local stock market today, these issues scoring material advances on very large dealings. There were no disclosures as to the nature of the developments which inspired the strength in these stocks, but the buying continues to be of an excellent character, and it was noted today that the room traders were trailing on behind in the

movement. The undertone to the general list was considered firm, though there was a lack of real business done. Prices reacted naturally, but there was no pronounced weak ness, except in one or two specialties.

American Tobacco, after opening at 1344, advanced sharply to 137. Continental Tobacco common also scored a net advance of 21/2 per cent-both, however, yielded nearly per cent of this improvement on the weakness developed in Sugar.

The latter stock opened strong, in expectation of a decision by the Supreme Court today confirming the contentions of the government with regard to the newly annexed colonies. After the first fifteen minutes of trading, however, the stock de-veloped weakness, losing nearly 3 per cent. United States Leather, preferred and com-mon shares, showed an inclination to rally at the start, and a little more activity in these issues was noticeable.

After the first half hour prices generally showed a sagging tendency and the bear faction began to show some activity. Speculation on the whole, however, remained professional and there was very little outside business. Up to the hour of 2 o'clock in the afternoon the trading was without special fea-ture and the market almost lifeless. The

decision of the Supreme Court in the Porto Rican case did not have much effect on the speculation in either Sugar or Tobacco Both of these specialties shaded off a point, but activity in them was lacking, and while the decision would seem to be harmful to these properties, insiders may reverse what should happen and keep them strong. It is generally believed that the Sugar Company's earnings have been large for some months on account of the wide differences between the raw and refined article, and although not much is heard about an increased dividend on the common stock, at the meeting of the directors to be held

early next month, still there are very good people in the street who look for such an ncrease. There was a little bidding up of prices after the delivery hour, but very little new business was discernible and the rally did not last. Money easy at about 4 per ce

FINANCIAL AND COMMERCIAL.

New York Stock Market. Furnished by W. B. Hibbs & Co., bankers and brokers, 1419 F st., members New York stock exchange, correspondents Messrs, Ladenburg, Thalmann & Co., New York.

Open High Low Close

Amargamated Copper 1154 1151 118 1147 American Sugar 1473 1485 1443 1451 American Tobacco 134 1374 133 1339 Atchison 77 78 764 774 Atchison pfd 97 98 963 973 Brooklyn Rapid Transit... Chesapeake & Ohio...... Chicago, B. & Q..... C . M. and St. Paul. Chicago, R. i & Pacific. 1553 Consolidated Gas ... Con. Tobacco. Con. Tobacco, ptd 40¹/₂ 67¹/₂ 222 Erre. 1st. pid 222 1613/₂ 162 113 uisville & Nashville ... 1021 Metropolitan Traction... 1693 Manhattan Flevated..... 1133 Manhattan Elevated K. 4 T., pfd. New York Central N Y. Ontario Western. orthern Pacific. Northern Pacific, pfd.... Pacific Mail. 35 85 974
People's Gas. 1434 14834 1425,
People's Gas. 114 114 1132
Phylia a Reading.1st 7634 7635
Southern Pacific. 47 4734 463
Southern Railway 2294 2294 2295
Southern Railway pfd. 83 83 83
Texas Pacific. 4634 4634 453
Texas Pacific. 100 1003 299
Union Pacific pfd. 88 88 874
U.S. Leather 1336 1434 1335
U.S. Leather, pfd. 79 794 783
U.S. Steel. 414 4434 4336
U.S. Steel. 414 4434 4336
U.S. Steel. 3334 935 93
Wabashpfd. 4234 4234 4114
Western Union Tel. 9132 9135 9114 People's Gas..... Phila a Reading.lst Texas Pacific

Washington Stock Exchange.

Washington Stock Exchange.

Sales—regular call, 12 o'clock m.—U. S. registered
4s, \$500 at 113%. Washington Traction and Electric 419s, \$1,000 at 65%. Union Trust and Storage,
5 at 103%. Capital Traction, 20 at 102%, 20 at
102%. 20 at 102%, 10 at 102%, 20 at 102%, 20 at
102%. Washington Gas, 25 at 59%. Mergenthaler
Linotype, 1 at 170, 5 at 169, 10 at 169, 15 at 168,
Lanston Monotype, 100 at 13%. American Graphophone pref., 25 at 11%. Norfolk and Washington
Steambout, 5% at 185. After call—Washington
Traction and Electric 41%s, \$1,000 at 65%, \$1,000 at 66%,
\$1,000 at 66%, \$1,000 at 66%, \$1,000 at 66%,
\$500 at 103%.
District of Columbia Bonds.—3,65s, 1924, 124 bid.
Miscellaneous Bonds.—Capital Traction 4s, 107%

\$500 at 1095. \$1,000 at 66%. U. S. coupon 38, \$500 at 1095.

District of Columbia Bonds.—3.658, 1924, 124 bid. Miscellaneous Bonds.—Capital Traction 48, 1070/2 bid, 1083/2 asked. Washington Traction and Electric coll. 448, 65% bid, 16% asked. Metropolitan Railroad 58, 118 bid, 119% asked. Metropolitan Railroad 58, 118 bid, 119% asked. Metropolitan Railroad cert. indebt., A, 105 bid. Metropolitan Railroad cert. indebt., B, 105 bid. Columbia Railroad 68, 118 bid. Columbia Railroad 2d mort. 58, 105 bid. Washington Gas 68, series A, 110 bid. Washington Gas 68, series A, 110 bid. U. S. Electric Light cert. indebt. 68, 103 bid. 10 bid. U. S. Electric Light cert. indebt. 68, 103 bid. 10 bid. U. S. Electric Light cert. indebt. 68, 103 bid. 104% asked. Chesapeake and Potomac Telephone 58, 105% bid. Masonic Hall Association 58, 105 bid. American Graphophone deb. 58, 39 bid.

Safe Deposit and Arust. 135 bid. Mashington Loan and Trust, 172% bid. American Security and Trust, 215 bid. 220 asked. Washington Safe Deposit, 60 bid. Union Trust and Storage, 109% bid, 109% asked. National Bank Stocks.—Bank of Washington, 400 bid. Metropolitan, 765 bid. Central, 225 bid. Citizens', 170 bid. Columbia, 170 bid. 180 asked. Capital, 150 bid. 170 asked. West End, 128% asked. Raitroad Stocks.—Capital Traction, 1024/2 bid. 102% asked. City and Suburban, 35 asked. Raitroad Stocks.—Capital Traction, 1024/2 bid. 1025% asked. City and Suburban, 35 asked. Franklin, 44 bid. 50 asked. Metropolitan, 76 bid. Sa asked. Cororan, 63 bid. Metropolitan, 770 bid. Arlington, 28 bid. German-American, 210 bid. National Union, 9 bid. 3% asked. Metropolitan, 76 bid. Sa asked. Cororan, 63 bid. 93 asked. Columbia, 104 bid. 5 asked. Tranklin, 44 bid. 50 asked. Columbia, 104 bid. 5 asked. Tranklin, 44 bid. 50 asked. Columbia, 104 bid. 5 asked. Columbia Liuton, 9 bid. 35% asked. Columbia, 104 bid. 5 asked. Tranklin, 44 bid. 50 asked. Columbia Liuton, 9 bid. 38% asked. Columbia Liuton, 9 bid. 38% asked. Columbia Liuton, 9 bid. 50 asked. Columbia Liuton, 9 bid. 50

Gas Stocks.—Washington Gas, 59% bid, 59% ask-id. Georgetown Gas, 60 bid. Miscellaneous Stocks Miscellaneous Stocks.—Mergenthaler Linotype, 167 bid, 168 asked. Lanston Monotype, 13% bid, 13% 38 asked. Lanston Monortype, 134, 194, bid. 133, American Graphophone com., 95, bid. 103, American Graphophone pref., 115, bid. 124, American Graphophone pref., 115, bid. 12 Pneumatic Gun Carriage, .08 bid. 10 asked. acton Market, 15 bid. Norfolk and Washing-ambant, 180 bid.

Baltimore Markets.

Baltimore Markets.

Baltimore, May 27.—Flour dull; western super, \$2.30a\$2.40; western extra, \$2.45a\$3; western family, \$3.25a\$2.50; winter wheat patent, \$3.80a\$4; spring wheat patent, \$3.95a\$4.20; spring wheat straight, \$3.85a\$3.95; receipts, 10.333 barrels; exports, 7.208 barrels. Wheat dull; spot and the month, 78a75½; June, 77½ asked; July, 75½a75½; August, 74½a74½; steamer No. 2 red, 74½a74½; receipts, 57.575 bushels; southern by sample, 70a79; do. on grade, 76a79. Corn farm; mixed, spot, 47a, 47½; the mouth, 47a47½; June, 46½a51; July, 46½, 47½; steamer mixed, 46a46½; receipts, 128,023 bushels; southern white corn, 49½; do. yellow, 49a, 49½. Oats steady; No. 2 white, 23½a34; No. 2 mixed, 31½a32; receipts, 33.085 bushels. Rye nominal; No. 2 nearby, 58a59; No. 2 western, 50a60; receipts, 1,107 bushels. Hay quiet and easy; No. 1 timothy, \$17 asked. Grain freights firmer; steam to Liverpool, per bushel, 1d. May; Cork for orders, per quarter, 2a, 7½d. June, 3a, July. Butter firm, unchanged; fancy imitation, 17a18; fancy creamery, 20; fancy ladle, 15a16; store packed, 11a12. Eggs